

Notice of Allowability

Application No.

10/523,451

Examiner

JACOB MEYER

Applicant(s)

DVORAK, LUBOMIR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/28/2005.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 01/28/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William R. Evans (Applicant's attorney) on 10 April 2008.

The application has been amended as follows:

- a. In line 3 of claim 14, delete "with drive shaft (13)" and insert --with a drive shaft (13)--.
- b. In line 4 of claim 14, delete "girded by a transmission member (9)" and insert --girded by a first transmission member (12)--.
- c. In line 8 of claim 14, delete "by means of transmission members (9)" and insert --by means of a second transmission member (9)--.
- d. In line 1 of claim 17, delete "wherein said transmission member (9)" and insert --wherein said second transmission member (9)--.
- e. In line 1 of claim 18, delete "wherein said transmission member (9)" and insert --wherein said first transmission member (12)--.
- f. In line 1 of claim 19, delete "wherein said transmission member (9)" and insert --wherein said second transmission member (9)--.

Allowable Subject Matter

1. Claims 14-24 are allowed. The following is an examiner's statement of reasons for allowance: The prior art when taken alone or in conjunction with another does not teach or fairly suggest a traveling device comprising a frame, flexibly suspended wheels rotating on their vertical axes in an unlimited angular range of 360.degree. as well as on their horizontal axes, a motor unit with drive shaft, a working device, first transmission discs for traveling wheel turning girded by a transmission member guided over a driving roller, characterized in that traveling wheel drive is effected by means of second transmission discs connected with each traveling wheel by a transmission device, and wherein all second transmission discs are connected with moving off device on drive shaft by means of transmission members. It is noted that the term "girded" although not in common use, is defined to mean "encircled or bound with a belt or band." Therefore, it is clear from the claim language that the first transmission disc is encircled with the first transmission member to provide turning means to the wheel. Furthermore, it is noted that Meeks teaches a remote controlled mower wherein the wheel direction is controlled by a chain and sprocket configuration. However, Meeks discloses wheel rotation driven by hydraulic motors and does not disclose a configuration wherein a traveling wheel drive is effected by means of second transmission discs connected with each traveling wheel by a transmission device, and wherein all second transmission discs are connected with moving off device on drive shaft by means of transmission members. Although Chaney et al, Harlow, and Gaberson et al disclose similar devices wherein the wheel rotation is controlled by pulley systems, it would not have been obvious to combine these systems to operate in the manner as claimed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Young (US Pat. No. 4,964,265), Chaney et al (US Pat. No. 4,041,678), Harlow (US Pat. No. 3,839,610), Nelson (US Pat. No. 5,974,347), Cline et al (US Pat. No. 5,323,593), and Gaberson et al (US Pat. No. 3,203,500) disclose mowers with either belt or hydraulic drive systems or are operated by remote control and may be of interest to Applicant.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB MEYER whose telephone number is (571)270-3535. The examiner can normally be reached on Monday - Friday 9am to 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit
3618

/J. M./
Examiner, Art Unit 3618
04/10/2008